



**CALIFORNIA STATE PERSONNEL BOARD**

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ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – OCTOBER 18, 2005**

**MID MONTH SUMMARY MINUTES<sup>1</sup>**

**OCTOBER 18, 2005**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**William Elkins, President**  
**Maeley Tom, Vice President**  
**Sean Harrigan, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

**A.** AB 124 was signed by the Governor on October 7, 2005. AB 124 conformed California's EEO statute to the requirement of Proposition 209.

**B.** With the consent of Cabinet, Finance has permitted the SPB and DPA to submit three joint BCPs: relating to workforce planning, classification reform, and a joint Internet portal.

**C.** On October 21, 2005, the Executive Officer will be in Chicago to receive an award from the National Asian Pacific American Bar Association.

**3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

Senior Counsel, Dorothy Egel gave the report in absence of Elise Rose.

**Litigation**

- Carl Webb v. SPB/CDC – The Fourth Appellate District has issued a decision upholding the Board's decision sustaining the dismissal of a prison chaplain.
- County of San Diego v. State – Deposition of SPB Fiscal Officer taken. Motion for Summary Judgment is pending.
- CDC v. SPB/Pamela Waters – SPB decision revoking demotion based upon improper service reversed and remanded by trial court. Notice of appeal has been filed.
- SCIF v. SPB – Appeal from SPB decision disapproving personal services contract withdrawn.

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<sup>1</sup> The Minutes for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

- CSEA v. Department of Education – Superior court denied preliminary injunction against state department's removal of partisan fliers from bulletin board.
- SPB v. DPA – Awaiting decision from California Supreme Court.

**Other Matters**

- Post and Bid – To be discussed at the November Board meeting.

**4. NEW BUSINESS**

**NONE**

**5. REPORT ON LEGISLATION – Sherry Hicks**

- **AB 124** – Governor signed on Oct 7th. A press release was sent out through Mr. Dymally's office regarding this legislation.
- Preparing for a press conference in the near future.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**6. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**7. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board,  
Sacramento Superior Court No. 05CS00374.

The Copley Press, Inc. v. San Diego Superior Court,  
California Supreme Court No. S128603.

Union of American Physicians and Dentists v. Department of Corrections, et al.,  
United States District Court, Northern District of California.

**8. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**9. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**10. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
NOVEMBER 1-2, 2005, IN SAN DIEGO, CALIFORNIA**

The November meeting has been changed to a one-day meeting to be held on  
November 1, 2005.

**BOARD ACTIONS:**

**11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
SEPTEMBER 20, 2005**

**ACTION:** Adopted on October 18, 2005

**VOTE:** Elkins, Tom, Harrigan – Aye

- 12. **EVIDENTIARY CASES** - (See Case Listings on Page 8-14)
- 13. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION** - (See Minutes Page 24-25)

**ACTION: ADOPTED**

VOTE: Elkins, Tom, Harrigan – Aye

- 14. **NON-EVIDENTIARY CASES** - (See Case Listings on Page 15-21)
- 15. **NON-HEARING CALENDAR**

Proposals would have been made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

**NONE**

- 16. **STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

- A. **CALIFORNIA STATE TEACHERS RETIREMENT SYSTEM (CALSTRS)**  
requests to update the current alternate range criteria broadening the experience required to move through the ranges from “public pension fund” experience to “equivalent analytical experience”.

**ACTION: NOTED**

- 17. **CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section served to inform interested individuals and departments of proposed and approved CEA position actions.

- A. **REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**DEPUTY CHIEF, BUREAU OF AUTOMOTIVE REPAIR**

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. The Deputy Chief, Bureau of Automotive Repairs is responsible for assuring the efficient daily operation of the organization and the delivery of program services to the consumers and licensees of the state of California.

**DIRECTOR, NON-TAX DEBT COLLECTION BUREAU**

The Department of Franchise Tax Board proposes to allocate the above position to the CEA category. The Director, Non-Tax Debt Collection

Bureau is responsible for the collection of obligations for other state, county, and local governmental agencies.

**CHIEF, DIVISION OF PLAN SURVEYS**

The Department of Managed Health Care proposes to allocate the above position to the CEA category. The Chief, Division of Plan Surveys is responsible for conducting on-site evaluations of all licensed health plans and issuing reports to the public concerning plan performance in the critical areas of health care accessibility, utilization management, health care quality management, and member grievances/appeals.

**DEPUTY DIRECTOR, ENTERPRISE ARCHITECTURE**

The Legislative Counsel Bureau proposes to allocate the above position to the CEA category. The Deputy Director, Enterprise Architecture is responsible managing a group of enterprise architects to run the Enterprise Architect Program.

**DEPUTY DIRECTOR, ENTERPRISE PROCESS CENTER**

The Legislative Counsel Bureau proposes to allocate the above position to the CEA category. The Deputy Director, Enterprise Process Center is responsible for the enterprise standards and processes, quality control, and project management.

**DEPUTY DIRECTOR, LEGAL AND OTHER PUBLIC OFFICES  
DIVISION**

The Legislative Counsel Bureau proposes to allocate the above position to the CEA category. The Deputy Director, Legal and Other Public Offices Division under the Customer Services Branch is responsible for IT services to support the business of the Legal Division and other public office customers of the LDC.

**CHIEF OF COMMUNICATIONS, OFFICE OF LEGISLATION AND  
COMMUNICATIONS**

The Department of Developmental Services proposes to allocate the above position to the CEA category. The Chief of Communications is responsible for all aspects of media relations and public relations for the Department of Developmental Services.

**CHIEF OF LEGISLATION, OFFICE OF LEGISLATION AND  
COMMUNICATIONS**

The Department of Developmental Services proposes to allocate the above position to the CEA category. The Chief of Legislation is responsible for developing broad policy and political strategies for the Department's legislative agenda.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**SENIOR ALTERNATIVE ENERGY ADVISOR**

The California Environmental Protection Agency's proposal to establish the above position to the CEA category has been approved effective September 16, 2005.

**DEPUTY DIRECTOR, COMPLIANCE DIVISION**

The California Gambling Control Commission's proposal to establish the above position to the CEA category has been approved effective September 16, 2005, for a period of twenty-four months and is contingent upon abolishment of the Chief Deputy Director position.

**PRINCIPAL DEPUTY LEGISLATIVE COUNSEL II**

The Legislative Counsel Bureau's proposal to establish the above position to the CEA category has been approved effective September 20, 2005.

**ASSISTANT SECRETARY, CLIMATE CHANGE ACTIVITIES**

The California Environmental Protection Agency's proposal to establish the above position to the CEA category has been approved effective September 22, 2005.

**ACTION: NOTED**

**18. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**19. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**20. BOARD ACTIONS ON SUBMITTED ITEMS - (See Minutes - Page 22-23)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may have been before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on these Minutes under Evidentiary Cases.

**A D J O U R N M E N T**

## 12. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

#### (1) **PATRICK BARBER, CASE NO. 04-0174PA**

Appeal from dismissal

**Classification:** Youth Correctional Counselor

**Department:** Department of the Youth Authority

Proposed decision adopted November 3, 2004  
modifying dismissal to 45 calendar days suspension  
Transcript prepared  
Pending oral argument June 7, 2005, Sacramento  
Oral argument continued  
Oral argument heard July 13, 2005, Sacramento  
Case ready for decision by FULL Board

**NO ACTION**

#### (2) **JON CHASE, CASE NO. 04-0392A**

Appeal from 30 working days suspension

**Classification:** Associate Management Auditor

**Department:** Employment Development Department

Proposed decision rejected April 19, 2005  
Transcript prepared  
Pending oral argument July 13, 2005, Sacramento  
Oral argument continued  
Oral argument heard August 9, 2005, Sacramento  
Case ready for decision by FULL Board

**NO ACTION**



**(4) JOSEPH MARTINEZ, CASE NO. 04- 2690A**

Appeal from dismissal

**Classification:** Hospital Police Officer

**Department:** Department of Mental Health

Proposed decision rejected May 17, 2005

Transcript prepared

Oral argument heard August 30, 2005, Los Angeles

Case ready for decision by FULL Board

**NO ACTION**

**(6) ANDREW RUIZ, CASE NO. 04-2391A**

Appeal from dismissal

**Classification:** Correctional Lieutenant

**Department:** Department of Corrections

Proposed decision rejected June 7, 2005

Transcript prepared

Oral argument heard August 30, 2005, Los Angeles

Case ready for decision by FULL Board

**NO ACTION**

**(7) MARK SAMORA, CASE NO. 04-3041A**

Appeal from dismissal

**Classification:** Instructional Technology Consultant

**Department:** California State University, Los Angeles

Proposed decision rejected July 13, 2005

Transcript prepared

Oral argument heard October 3, 2005, Sacramento

Case ready for decision by FULL Board

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases would have been on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

These cases would have been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations would have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**OTHERS**

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On October 18, 2005, the Board took the following action on the following cases presented by Dorothy Egel, Senior Counsel, California State Personnel Board in absence of Elise Rose, Chief Counsel.

VOTE: Elkins, Tom, Harrigan – Aye

**(1) MARCUS COTTON, CASE NO. 05-0880**

Appeal from dismissal

**Classification:** Senior Medical Technical Assistant

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board has adopted the ALJ's Proposed Decision granting the motion to dismiss.

- (2) **STAN HESTER, CASE NO. 05-2074E**  
Appeal from discrimination complaint  
**Classification:** Vocational Instructor, Building Maintenance  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board has adopted the ALJ's Proposed Decision dismissing the complaint.
- (3) **GLEN D. HOWE, CASE NO. 05-0472**  
Appeal from ten percent reduction in salary for six months  
**Classification:** Tree Maintenance Worker, Caltrans  
**Department:** Department of Transportation  
**ACTION:** The Board has adopted the ALJ's Proposed Decision sustaining the ten percent reduction in salary for six months.
- (4) **BETTY KING, CASE NO. 05-1161**  
Appeal from dismissal  
**Classification:** Registered Nurse (Correctional Facility)  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board has adopted the ALJ's Proposed Decision modifying the dismissal to a six month suspension.
- (5) **SEBASTIAN PEREZ, CASE NO. 05-1325**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board has adopted the ALJ's Proposed Decision modifying the dismissal to a 12 month suspension.
- (6) **RICHARD WILLIAMS, CASE NO. 05-0632**  
Appeal from dismissal  
**Classification:** Custodian  
**Department:** Department of General Services  
**ACTION:** The Board has adopted the ALJ's Proposed Decision sustaining the dismissal.

**Proposed Decisions Taken Under Submission At Prior Meeting**

These would have been ALJ Proposed Decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On October 18, 2005, the Board took the following action on the following cases presented by Dorothy Egel, Senior Counsel, California State Personnel Board in absence of Elise Rose, Chief Counsel.

VOTE: Elkins, Tom, Harrigan – Aye

**(1) MARCIE CHURCO, CASE NO. 04-2347P**

Appeal from rejection during probation

**Classification:** Office Assistant (Typing)

**Department:** California Unemployment Insurance Appeals Board

**ACTION:** Petition for rehearing by appellant denied.

**(2) STANLEY ELCOCK, CASE NO. 05-0845P**

Appeal from dismissal of appeal for lack of jurisdiction

**Classification:** Associate Transportation Engineer, Caltrans

**Department:** Department of Transportation

**ACTION:** Petition for rehearing by appellant denied.

**(3) GERALD RAX, CASE NO. 04-2380P**

Appeal from ten percent reduction in salary for ten months

**Classification:** Employment Program Representative

**Department:** Employment Development Department

**ACTION:** Petition for rehearing by appellant denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) PATRICK BRASS, CASE NO. 04-1952A**

Appeal from dismissal

**Classification:** Youth Correctional Counselor

**Department:** Department of the Youth Authority

Proposed decision rejected July 26, 2005

Transcript prepared

Pending oral argument November 1, 2005, San Diego

**NO ACTION**

**(2) LINDA DEOS, CASE NO. 05-0434A**

Appeal from dismissal

**Classification:** Staff Counsel III (Specialist)

**Department:** Employment Development Department

Proposed decision rejected August 30, 2005

Transcript prepared

Pending oral argument December 6-7, 2005, San Francisco

**NO ACTION**

- (3) **GARY GARFINKEL, CASE NO. 98-3128RBA**  
Appeal for determination of back salary, benefits and interest  
**Classification:** Deputy Attorney General IV  
**Department:** Department of Justice

Proposed decision rejected July 13, 2005  
Transcript prepared  
Pending oral argument October 3, 2005, Sacramento  
Oral argument continued  
Pending oral argument November 1, 2005, San Diego

**NO ACTION**

- (4) **MINAS MAROKI, CASE NO. 04- 2700A**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

Proposed decision rejected August 9, 2005  
Transcript prepared  
Pending oral argument November 1-2, 2005, San Diego

**NO ACTION**

- (5) **KIM RITTENHOUSE, CASE Nos. 03-3541A & 03-3542E**  
Appeal from denial of reasonable accommodation  
and from constructive medical termination  
**Classification:** Office Technician (General)  
**Department:** Department of Fish and Game

Proposed decision rejected May 18, 2004  
Pending oral argument October 3, 2005, Sacramento  
Oral argument continued  
Pending oral argument December 6-7, 2005, San Francisco

**NO ACTION**

**14. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On October 18, 2005, the Board adopted as indicated below the following decisions presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Tom, Harrigan – Aye

**(1) RUDY ARZATE-RODRIGUEZ, CASE NO. 05-0423**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; omitted pertinent information, arrest/conviction record and negative law enforcement contacts.

**ACTION: DENIED**

**(2) BRANDON AUSTIN, CASE NO. 05-0420**

**Classification:** California Highway Patrol Cadet

**Department:** California Highway Patrol

**Issue:** Suitability; furnishing inaccurate information and failing to meet legal obligations.

**ACTION: DENIED**

**(3) CHRISTOPHER COOPER, CASE NO. 05-0419**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.

**ACTION: DENIED**

- (4) **EUGENE CURTIS, CASE NO. 05-0412**  
**Classification:** Medical Technical Assistant  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (5) **BRENDA DANIEL, CASE NO. 05-0591**  
**Classification:** Medical Technical Assistant  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.  
**ACTION:** SPB staff has withdrawn this item from the Calendar. Case was not voted on.
- (6) **NICOLIA FLEMING, CASE NO. 05-0418**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and had a negative employment record.  
**ACTION: DENIED**
- (7) **BURKE GILLIS, CASE NO. 05-0271**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (8) **OSWALDO GRADILLAS, CASE NO. 05-0409**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and a negative employment record.  
**ACTION: DENIED**
- (9) **CECILIA HARTJE, CASE NO. 05-0689**  
**Classification:** Medical Technical Assistant  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**



- (10) **JENNIFER HERNANDEZ, CASE NO. 05-0421**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; admitted history of non-prosecuted shoplifting over the course of a two-year span ending in 1998.  
**ACTION: GRANTED**
- (11) **JADI HOWARD, CASE NO. 05-0506**  
**Classification:** Youth Correctional Counselor  
**Department:** Youth Authority  
**Issue:** Suitability; omitted pertinent information, had negative law enforcement contacts, a negative driving record and failure to comply with legal obligations.  
**ACTION: DENIED**
- (12) **CHARLENE JEFFERSON, CASE NO. 05-0363**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and failing to meet legal obligations.  
**ACTION: DENIED**
- (13) **JOSH KAPPL, CASE NO. 05-0408**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information and had negative driving record.  
**ACTION: DENIED**
- (14) **DENNIS KROMANN, CASE NO. 05-0399**  
**Classification:** Medical Technical Assistant  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.  
**ACTION: DENIED**
- (15) **DAVID LIN, CASE NO. 05-0414**  
**Classification:** CHP Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; furnished inaccurate information, omitted pertinent information and had a negative employment record.  
**ACTION: DENIED**

- (16) **RHONDA MARTINHO, CASE NO. 04-1246**  
**Classification:** Medical Technical Assistant (CF)  
**Department:** Corrections  
**Issue:** Suitability; provided inaccurate and omitted pertinent information.  
**ACTION: DENIED**
- (17) **PERRY MOORE, CASE NO. 05-0568**  
**Classification:** Youth Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; non-disclosure of information.  
**ACTION: DENIED**
- (18) **MITCHELL ROMERO, CASE NO. 05-1162**  
**Classification:** Medical Technical Assistant (MTA)  
**Department:** Corrections  
**Issue:** Suitability; Negative employment record and furnished inaccurate information.  
**ACTION: DENIED**
- (19) **DEREK LEE VAUGHN, CASE NO. 05-0272**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information, had negative law enforcement contacts, and negative employment record.  
**ACTION: DENIED**
- (20) **AMBER YTURRIAGA, CASE NO. 05-0285**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; Omitted pertinent information; Negative employment record.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases would have been heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board would have been presented recommendations by a Hearing Panel on each appeal.

**NONE**

**C.    EXAMINATION APPEALS  
      MINIMUM QUALIFICATIONS  
      MERIT ISSUE COMPLAINTS**

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE**

**MINIMUM QUALIFICATIONS**

**NONE**

**MERIT ISSUE COMPLAINTS**

**NONE**

**D.    RULE 211 APPEALS  
      RULE 212 OUT OF CLASS APPEALS  
      VOIDED APPOINTMENT APPEALS**

Cases would have been heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff.

On October 18, 2005, the Board adopted as indicated below the following decisions presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Tom, Harrigan – Aye

**(1) SANTA ARRIAGA, CASE NO. 04-2643**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** The charging party requests charges be filed against the charged party for violations of various subsections of Government Code section 19572.

**ACTION: DENIED**

**(2) ARVIND BALU, CASE NO. 04-1425**

**Classification:** Civilly committed offender at ASH

**Department:** Mental Health

**Issue:** The charging party requests charges be filed against the charged parties for violations of various subsections of Government Code section 19572.

**ACTION: DENIED**

**(3) BYRON DARRINGTON, CASE NO. 04-2585**

**Classification:** Battalion Chief

**Department:** Forestry and Fire Protection

**Issue:** The charging party requests to file charges against a supervisor at the CDF

**ACTION: DENIED**

**(4) TERRY AND HOLLY FERNANDES, CASE NO. 03-1835**

**Classification:** N/A – Members of the Public

**Department:** Corrections

**Issue:** The charging parties request charges be filed against the charged parties for violations of various subsections of Government Code section 19572.

**ACTION: DENIED**

- (5) **KEVIN GIBBONS, CASE NO. 04-0964**  
**Classification:** Correctional Sergeant  
**Department:** Corrections  
**Issue:** The charging party request charges be filed against the charged parties for violation of various sections of Government Code 19572.  
**ACTION: DENIED**
- (6) **SUSAN HEFFERON, CASE NO. 04-1331**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The charging party requests charges be filed against the charged party for violation of various sections of Government Code 19572.  
**ACTION: DENIED**
- (7) **WILLIAM JOHNSON, CASE NO. 04-0638**  
**Classification:** Parole Agent II, Adult Parole (Specialist)  
**Department:** Corrections  
**Issue:** The charging party requests charges be filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**
- (8) **LEE R. ROGERS, CASE NOS. 04-0647 & 04-1344**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The charging party requests charges be filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**
- (9) **KURT THOMAS, CASE NO. 04-0527**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The charging party requests charges be filed against the charged parties for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

**NONE**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. PATRICK BARBER, CASE NO. 04-0174A**

Appeal from dismissal. Youth Correctional Officer. Department of Youth Authority. (Oral Argument held July 13, 2005)

**NO ACTION**

**7. JON CHASE, CASE NO. 04-0392A**

Appeal from 30 working days suspension. Associate Management Auditor. Employment Development Department. (Oral Argument held August 9, 2005)

**NO ACTION**

October 18, 2005

**8. HEARING – PERSONAL SERVICES CONTRACT #05-07**

Appeal of Department of General Services (DGS) from the Executive Officer's April 22, 2005 Disapproval of a Proposed Three-Year Cost-Savings Contract with American Building Maintenance janitorial Services for Custodial Services for the Franchise Tax Board. (Hearing held August 9, 2005)

**NO ACTION**

**9. JOSEPH MARTINEZ, CASE NO. 04-2690A**

Appeal from dismissal. Hospital Police Officer. Department of Mental Health. (Oral Argument held August 30, 2005)

**NO ACTION**

**10. ANDREW RUIZ, CASE NO. 04-2391A**

Appeal from dismissal. Correctional Lieutenant. Department of Corrections. (Oral Argument held August 30, 2005)

**NO ACTION**

**11. MARK SAMORA, CASE NO. 04-3041A**

Appeal from dismissal. Instructional Technology Consultant. California State University, Los Angeles. (Oral Argument held October 3, 2005)

**NO ACTION**

**12. HEARING – PERSONAL SERVICES CONTRACT #05-04**

Appeal of the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE) from the Executive Officer's April 1, 2005 Approval of a Contract for Legal Services between the Secretary of State's Office and Renne & Holtzman Public Law Group, LLP (Oral Argument held on October 3, 2005)

**NO ACTION**

**13. HEARING**

Proposed Revisions to Whistleblower Retaliation Complaint Regulations (Title 2, C.C.R., section 56 et. seq.) (Hearings held on September 20, 2005 and October 3, 2005)

**NO ACTION**

**14. HEARING**

Proposed Revisions to Discovery Regulations in Evidentiary Hearings Regulations (Title 2, C.C.R., section 57 et. seq.) (Hearings held on September 20, 2005 and October 3, 2005)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on October 18, 2005.

VOTE: Elkins, Tom, Harrigan – Aye

A handwritten signature in black ink, reading "Floyd D. Shimomura". The signature is written in a cursive style with a long horizontal flourish at the end.

FLOYD D. SHIMOMURA  
Executive Officer  
California State Personnel Board